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July 21, 2004

CERTIFICATE OF MAILING
37 C.F.R 1.8

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July 21, 2004 — Date

Steven L. Highlander

MS AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/801,985 entitled "INHIBITION OF HISTONE DEACETYLASE AS A TREATMENT FOR CARDIAC HYPERTROPHY" – Carlin Long et al.*
Our reference: MYOG:034USC1
Client reference: UTSD:794US

Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, and Form PTO-1449.

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/MYOG:034USC1.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

Steven L. Highlander
Reg. No. 37,642

SLH/kmv
Encl.: as noted

25433951.1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Carlin Long et al.

Serial No.: 10/801,985

Filed: March 16, 2004

For: INHIBITION OF HISTONE DEACETYLASE AS A TREATMENT FOR CARDIAC HYPERTROPHY

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: MYOG:034USC1

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July 21, 2004
Date

Steven A. Highlander

INFORMATION DISCLOSURE STATEMENT

MS AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record.

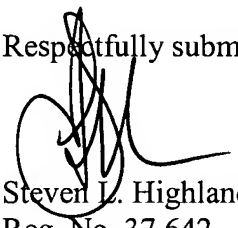
In accordance with 37 C.F.R §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/MYOG:034USC1.

This application is a continuation application of Serial No. 10/256,221, filed September 26, 2002 and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d) copies of the listed documents are not enclosed as they have been previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. 10/256,221.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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Attorney for Applicants

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Date: July 21, 2004

Form PTO-1449 (modified)	Atty. Docket No. MYOG:034USC1	Serial No. 10/801,985
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Applicant Carlin Long *et al.*	
	Filing Date: March 16, 2004	Group: Unknown

U.S. Patent Documents	Foreign Patent Documents	Other Art
See Page 1	*See Page 1*	*See Page 2*

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	US 2002/0103192	8/1/02	Curtin *et al.*	514	227.8	3/14/01
	A2	US 2002/0061860	5/23/02	Li *et al.*	514	44	8/6/01
	A3	US 2002/0065282	5/30/02	Georges *et al.*	514	238.2	12/4/01

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	EP 1170008	1/9/02	Europe			
	B2	EP 1174438	1/23/02	Europe			
	B3	JP 2001/348340	12/18/01	Japan			Abstract
	B4	WO 00/23112	4/27/00	PCT			
	B5	WO 00/71703	11/30/00	PCT			
	B6	WO 01/14581	3/1/01	PCT			
	B7	WO 01/16106	3/8/01	PCT			
	B8	WO 01/18045	3/15/01	PCT			
	B9	WO 01/38322	5/31/01	PCT			
	B10	WO 01/42437	6/14/01	PCT			
	B11	WO 01/70675	9/27/01	PCT			
	B12	WO 02/051842	7/4/02	PCT			
	B13	WO 02/26696	4/4/02	PCT			
	B14	WO 02/26703	4/4/02	PCT			
	B15	WO 02/30879	4/18/02	PCT			
	B16	WO 02/46129	6/13/02	PCT			
	B17	WO 02/46144	6/13/02	PCT			

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	B18	WO 02/50285	6/27/02	PCT			
	B19	WO 01/17514	3/15/01	PCT			

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Bates *et al.*, "A phase I study of FR901228(Depsipeptide), a histone deacetylase inhibitor," *American Society of Clinical Oncology Meeting 1999 Abstract*, Abstract # 693, 1999, printed from www.medespace.com/cancero/doc/asco/1999/nouvdro/m_693.htm, May 7, 2001.
	C2	Butler *et al.*, "Inhibition of transformed cell growth and induction of cellular differentiation by pyroxamide, an inhibitor of histone deacetylase," *Clin. Cancer Res.*, 7:962-970, 2001.
	C3	Butler *et al.*, "Suberoylanilide hydroxamic acid, an inhibitor of histone deacetylase, suppresses the growth of prostate cancer cells in vitro and in vivo," *Cancer Res.*, 60:5165-5170, 2000.
	C4	Coffey *et al.*, "The histone deacetylase inhibitor, CBHA, inhibits growth of human neuroblastoma xenografts in vivo, alone and synergistically with all-trans retinoic acid," *Cancer Res.*, 61:3591-3594, 2001.
	C5	Furumai *et al.*, "FK228 (Depsipeptide) as a natural prodrug that inhibits class I histone deacetylases," *Cancer Res.*, 62:4916-4921, 2002.
	C6	Gottlicher *et al.*, "Valproic acid defines a novel class of HDAC inhibitors inducing differentiation of transformed cells," *EMBO J.*, 20:6969-6978, 2001.
	C7	Han *et al.*, "Apicidin, a histone deacetylase inhibitor, inhibits proliferation of tumor cells via induction of $p21^{WAF1/Cip1}$ and gelsolin," *Cancer Research*, 60:6068-6074, 2000.
	C8	Haq, "Glycogen synthase kinase-3β is a negative regulator of cardiomyocyte hypertrophy," *J. Cell Biology*, 151:117-129, 2000.
	C9	Hinnebusch *et al.*, "The effects of short-chain fatty acids on human colon cancer cell phenotype are associated with histone hyperacetylation," *J. Nutr.*, 132:1012-1017, 2002.
	C10	Hoffmann *et al.*, "Fluorescence-labeled octapeptides as substrates for histone deacetylase," *Bioconjugate Chem.*, 12:51-55, 2001.

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	C11	Itazaki *et al.*, "Isolation and structural elucidation of new cyclotetrapeptides, trapoxins A and B, having detransformation activities as antitumor agents," *J Antibiot (Tokyo)*, 43(12):1524-1532, 1990.
	C12	Jung *et al.*, "Amide analogues of trichostatin A as inhibitors of histone deacetylase and inducers of terminal cell differentiation," *J. Med. Chem.*, 42:4669-4679, 1999.
	C13	Jung *et al.*, "Analogues of trichostatin A and trapoxin B as histone deacetylase inhibitors," *Bioorganic & Medicinal Chemistry Letters*, 7:1655-1658, 1997.
	C14	Jung *et al.*, "Structure-activity data on inhibitors of histone deacetylase-in vivo enzyme inhibition of differentiation and inhibition of proliferation in leukemic cells," *Clin. Cancer Res., Suppl.* 6: Abstract #336, 2000.
	C15	Jung, "Inhibitors of histone deacetylase as new anticancer agents," *Curr. Med. Chem.*, 8:1505-1511, 2001.
	C16	Katoh *et al.*, "MEF2B is a component of a smooth muscle-specific complex that binds an A/T-rich element important for smooth muscle myosin heavy chain gene expression," *J. Biol. Chem.*, 273:1511-1518, 1998.
	C17	Kim *et al.*, "Oxamflatin is a novel antitumor compound that inhibits mammalian histone deacetylase," *Oncogene*, 18:2461-2470, 1999.
	C18	Kitazono *et al.*, "Low concentrations of the histone deacetylase inhibitor, depsipeptide (FR901228), increase expression of the Na^+/I^- symporter and iodine accumulation in poorly differentiated thyroid carcinoma cells," *J. Clinical Endoc. Metabol.*, 86(7):3430-3435, 2001.
	C19	Komastsu *et al.*, "Cyclic hydroxamic-acid-containing peptide 31, a potent synthetic histone deacetylase inhibitor with antitumor activity," *Cancer Res.*, 61:4459-4466, 2001.
	C20	Kramer *et al.*, "Histone deacetylase as a therapeutic target," *Trends in Endoc. Metabolism*, 12(7):294-300, 2001.
	C21	Lu *et al.*, "Signal-dependent activation of the MEF2 transcription factor by dissociation from histone deacetylases," *Proc. Natl Acad. Sci. USA*, 97:4070-4075, 2000.
	C22	Mai *et al.*, "Binding mode analysis of 3-(4-benzoyl-1-methyl-1H-2-pyrrolyl)-N-hydroxyy-2-propenamide: a new synthetic histone deacetylase inhibitor inducing histone hyperacetylation, growth inhibition, and terminal cell differentiation," *J. Med. Chem.*, 45:1778-1784, 2002.

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	C23	Marks *et al.*, "Histone deacetylase inhibitors: inducers of differentiation or apoptosis of transformed cells," *J. Natl. Cancer Inst.*, 92(15):1210-1216, 2000.
	C24	Marks *et al.*, "Inhibitors of histone deacetylase are potentially effective anticancer agents," *Clin. Cancer Res.*, 7:759-760, 2001.
	C25	Massa *et al.*, "3-(4-Aroyl-1H-pyrrol-2-yl)-N-hydroxy-2-propenamides, a new class of synthetic histone deacetylase inhibitors," *J. Med. Chem.*, 44:2069-2072, 2001.
	C26	Nicol *et al.*, "Activated MEK5 induces serial assembly of sarcomeres and eccentric cardiac hypertrophy," *The EMBO J.*, 20(11):2757-2767, 2001.
	C27	Patrone *et al.*, "Up regulation of the RET gene expression by histone deacetylase inhibitor sodium butyrate: hints to the gene physiologic regulation and applications for mutations screening," *50th Annual Meeting of the American Society of Human Genetics, Abstracts*, Program Number 1047, 2000.
	C28	Salminen *et al.*, "Neuronal apoptosis induced by histone deacetylase inhibitors," *Brain Res. Mol. Brain Res.*, 61:203-206, 1998.
	C29	Saunders *et al.*, "Histone deacetylase inhibitors as potential anti-skin cancer agents," *Cancer Res.*, 59-399-409, 1999.
	C30	Skaletz-Rorowski *et al.*, "The histone deacetylase inhibitors, trichostatin A and the new synthetic inhibitor M232, suprress the proliferation of corornary smooth muscle cells," *Eur. Heart J.*, Abstract Suppl., 21:272, Abstract #P1551, August/September 2000.
	C31	Su *et al.*, "A novel histone deacetylase inhibitor identified by high-throughput transcriptional screening of a compound library," *Cancer Res.*, 60:3137-3142, 2000.
	C32	Takahashi *et al.*, "Selective inhibition of IL-2 gene expression by trichostatin A, a potent inhibitor of mammalian histone deacetylase," *Antibiotics*, 49:453-457, 1996.
	C33	Taunton *et al.*, "A mammalian histone deacetylase related to the yeast transcriptional regulator Rpd3p," *Science*, 272:408-411, 1996.
	C34	Ueda *et al.*, "FR901228, a novel antitumor bicyclic depsipeptide produced by Chromobacterium violaceum No. 968. I. Taxonomy, fermentation, isolation, physico-chemical and biological properties, and antitumor activity," *J Antibiot (Tokyo)*, 47(3):301-310, 1994.

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Exam. Init.	Ref. Des.	Citation
	C35	Vigushin *et al.*, "Histone deacetylase inhibitors in cancer treatment," *Anticancer Drugs*, 13:1-13, 2002.
	C36	Vigushin *et al.*, "Trichostatin A is a histone deacetylase inhibitor with potent antitumor activity against breast cancer in vivo," *Cancer Res.*, 5(Suppl), Abstract #239, 1999.
	C37	Vigushin *et al.*, "Trichostatin A is a histone deacetylase inhibitor with potent antitumor activity against breast cancer in vivo," *Clinical Cancer Res.*, 7:971-976, 2001.
	C38	Yamano *et al.*, "Amplification of transgene expression in vitro and in vivo using a novel inhibitor of histone deacetylase," *3rd Annual Meeting of the American Society of Gene Therapy*, Program Number 10, 2000.
	C39	Yamano *et al.*, "Amplification of transgene expression in vitro and in vivo using a novel inhibitor of histone deacetylase," *Mol. Ther., Amer. Society of Gene Ther.*, 1(5):S20, Abstract #10, 2000.
	C40	Yamano *et al.*, "Construction and function of a recombinant adeno-associated virus encoding human interleukin-10," *Mol. Ther., Amer. Society of Gene Ther.*, 1(5):S276, Abstract #764, 2000.

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